THE HON'BLE DR JUSTICE SHAMEEM AKTHER

M.A.C.M.A.NO.1619 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the petitioners-claimants in M.V.O.P.No.83 of 2001 on the file of the Motor Accident Claims Tribunal-cum-I Additional District Judge, Cuddapah, aggrieved by the order dated 29.03.2004, whereby the Court below granted compensation of Rs.1,50,000/- with proportionate costs and interest at the rate of 9% per annum from the date of petition till the date of realisation, in favour of the claimants-petitioners directing the respondents herein to pay the amount jointly and severally, for the death of the deceased, P.Subramanyam, in a motor accident, which occurred on 14.08.2000, due to rash and negligent driving of driver of the offending vehicle, i.e., Tata Sumo bearing No.TN-04-E-2855.

2. Heard the counsel for both the parties.

3. The parties hereinafter are referred to as arrayed before the Court below.

4. Learned counsel for the appellants submitted that the child of the petitioners-claimants by name, P.Subramanyam, died in a motor accident for which they have claimed compensation of Rs.3,00,000/- but the Tribunal

granted only Rs.1,50,000/-. The Tribunal had not granted adequate compensation towards loss of income of the deceased, funeral expenses and other heads.

5. On the other hand, learned counsel appearing for the respondents herein contended that the Tribunal had granted just and reasonable compensation; the deceased was a child and there are no circumstances to enhance the compensation as prayed for.

6. There is no dispute with regard to the death of the deceased, P.Subramanyam in a motor accident which occurred on 14.08.2000 due to the rash and negligent driving of the driver of Tata Sumo bearing No.TN-04-E-2855. The same is substantiated by leading cogent evidence. The only dispute is with regard to quantum of compensation. As per the evidence of P.W.1 and the documents marked as Exs.A5 and A6, the deceased passed SSC and Intermediate. Exs.A7 and A8 would show that the deceased was pursuing B.A. degree second year. As per the record, the deceased was 27 years as on the date of the accident and the Tribunal had taken the income of the deceased as Rs.15,000/- per annum. There is no dispute that the deceased was a blind person. As the deceased was pursuing his graduation (B.A.), taking his annual income at Rs.15,000/- is not appropriate. Had the deceased completed graduation and pursued some

employment, he would have earned lot of money and his parents would have been benefited from that. Therefore, the annual income of the deceased can be taken as Rs.30,000/-. After deducting ½ of it towards personal expenses of the deceased, the contribution of the deceased to the claimants comes to Rs.15,000/-. Admittedly, the deceased is a bachelor. In ***Munnalal Jain and others v. Vipin Kumar Sharma & others***[1], it is held thus:

> "When the deceased is a bachelor, relevant multiplier applicable to his age group has to be taken into consideration.
>
> The selection of multiplier is based on the age of the deceased and not on the basis of the age of the dependant. There may be a number of dependents of the deceased whose age may be different and therefore the age of the dependents has to nexus with the computation of compensation."

In view of the above said decision, the appropriate multiplier to the age of the deceased i.e. 27 years, has to be taken into consideration to assess the loss of dependency. As per the decision in **Sarla Verma v Delhi Transport Corporation**[2], the appropriate multiplier to the age of the deceased (27 years) is 17. . Therefore, the compensation for loss of dependency comes to Rs.15,000/- x 17 = Rs.2,55,000/-.

7. As regards the compensation under conventional heads is concerned, it is apt to refer to a decision in National

[1] 2015(6) SCC 347
[2] 2009 ACJ 1298

Insurance Co. Ltd., Vs. Pranay Sethi and others[3] wherein the Apex Court held as follows:-

> "Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years."

Relying on the aforementioned decision of the Apex Court, a sum of Rs.15,000/- to the appellants-claimants compensation towards loss of estate; another Rs.15,000/- towards funeral expenses and Rs.15,000/- towards compensation for loss of love and affection. Thus, the appellants-claimants are entitled for a total compensation of Rs.3,00,000/-.

8. Accordingly, the appeal is allowed and the compensation is enhanced from Rs.1,50,000/- to Rs.3,00,000/-. The enhanced compensation carries interest @ 7.5% per annum from the date of application till the date of realisation. Both the claimants are entitled to share the enhanced compensation equally. The other terms of the impugned order remain unaltered. On deposit, the claimants are entitled to withdraw the same. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(DR. SHAMEEM AKTHER, J)

11th June 2018
RRB / DRK

[3] 2017 (6) ALD 170 (SC)